

Exhibit U

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0164-16

3

4 INTERVIEW OF: OFFICER MICHAEL MELLONNE, #4249

5 DATE OF INTERVIEW: 12/14/2017

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8 INV. STONECIPHER: This interview is regarding DPA Case
9 number 0164-16. It's taking place at the Department of Police
10 Accountability on December 14th, 2017, at 10:55 a.m. Conducting
11 this interview is Inspector Matt Stonecipher. I work for the
12 Department of Police Accountability. I've been designated by the
13 Police Commission to conduct this investigation. Also present is
14 Senior Investigator Carlos Villarreal. The member being
15 interviewed today is Officer Michael Mellonne, Star number 4249,
16 who is a named member in this matter. Representing Officer
17 Mellonne is...

18 POA REP. NOBLES: Don Nobles of the POA.

19 INV. STONECIPHER: Officer Mellonne, have you read the
20 DPA form 293 and the allegation form regarding the allegations
21 of misconduct?

22 OFC. MELLONNE: Yes.

23 INV. STONECIPHER: Officer Mellonne, because there may
24 be criminal culpability on your part, I want to be certain that
25 you understand the following rights. You have the right to
26 remain silent. Anything you say may be used against you in
27 court. You have the right to an attorney before and after
28 questioning. Do you understand each of these rights that I have

1 | explained to you?

2 | OFC. MELLONNE: Yes.

3 | INV. STONECIPHER: With these rights in mind, would you

4 | like to answer my questions now?

5 | OFC. MELLONNE: I'm sorry. Could you repeat the...I was

6 | focused on what I was going to say.

7 | INV. STONECIPHER: With these rights in mind, would you

8 | like to answer my questions now?

9 | OFC. MELLONNE: Was this part of the Miranda?

10 | INV. STONECIPHER: Yeah, it's Miranda.

11 | OFC. MELLONNE: No.

12 | INV. STONECIPHER: No. Okay. Officer Mellonne, while you

13 | have the right to remain silent criminally, it is a condition of

14 | your employment that you answer my questions in this

15 | administrative investigation. I work for the Department of

16 | Police Accountability of the San Francisco Police Commission. I

17 | have been designated by the Police Commission to conduct this

18 | investigation. I am, therefore, ordering you on behalf of the

19 | Commission, to answer my questions in this administrative

20 | investigation. If you refuse to answer my questions, your

21 | silence can be deemed insubordination and result in

22 | administrative discipline up to and including termination of

23 | your employment. Any statement you make under the threat of such

24 | discipline will be used for administrative purposes only and

25 | cannot be used against you criminally, unless you choose to

26 | testify in such a criminal case. Do you understand this order?

27 | OFC. MELLONNE: Yes.

28 | INV. STONECIPHER: Officer Mellonne, will you answer my

1 | questions as ordered at this time?

2 | OFC. MELLONNE: Yes.

3 | INV. STONECIPHER: Okay. Officer Mellonne, earlier, I

4 | provided you with a DPA Administrative Interview Advisements

5 | form. You signed the form, which bears your signature and your

6 | Star number. I will be putting this in the DPA file. With these

7 | advisements in mind, is there any reason why you cannot go

8 | forward with this interview?

9 | OFC. MELLONNE: No.

10 | INV. STONECIPHER: All right. Officer Mellonne, did you

11 | review any documents to prepare for this interview?

12 | SR. INV. VILLARREAL: Do you have to read something, Don?

13 | INV. STONECIPHER: I'm sorry.

14 | [Unintelligible conversation.]

15 | INV. STONECIPHER: Don, I'm so sorry.

16 | POA REP. NOBLES: It's my understanding that this

17 | investigation is administrative only and not criminal, and that

18 | the named officer, Officer Mellonne is required by Department

19 | policy to answer all of your questions truthfully, completely,

20 | and subject to disciplinary action. Am I correct in this

21 | understanding?

22 | INV. STONECIPHER: Yes.

23 | POA REP. NOBLES: Okay. That's what I wanted to read.

24 | INV. STONECIPHER: Okay. Sorry about that.

25 | POA REP. NOBLES: That's all right.

26 | INV. STONECIPHER: Officer Mellonne, did you review any

27 | documents to prepare for this interview?

28 | OFC. MELLONNE: Yes.

1 INV. STONECIPHER: And what was that?

2 OFC. MELLONNE: I read my transcripts of the previous

3 interviews that I gave to Homicide and the Internal Affairs

4 Division, and I read the police report.

5 INV. STONECIPHER: Okay. And did you review any video to

6 prepare for this interview?

7 OFC. MELLONNE: Yes. I reviewed the video that exists of

8 the incident, two videos.

9 INV. STONECIPHER: Okay. Was that the Nest cam footage?

10 OFC. MELLONNE: There's a Nest cam and there's also a

11 cellphone video.

12 INV. STONECIPHER: Okay. And other than your rep, have

13 you spoken to anybody else about this case?

14 OFC. MELLONNE: Who have I spoken to? Yeah, I've spoken

15 to the City Attorney.

16 INV. STONECIPHER: Okay. Officer Mellonne, how long have

17 you employed with SFPD for?

18 OFC. MELLONNE: Five years.

19 INV. STONECIPHER: Okay. Have you received CIT training?

20 OFC. MELLONNE: Yes.

21 INV. STONECIPHER: Okay. And when was that?

22 OFC. MELLONNE: I don't recall specifically. I want to

23 say it was maybe in 2014.

24 INV. STONECIPHER: Okay.

25 SR. INV. VILLARREAL: Before the incident?

26 OFC. MELLONNE: Uh-huh, yes.

27 SR. INV. VILLARREAL: Okay.

28 INV. STONECIPHER: And have you received Advanced

1 INV. STONECIPHER: [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 INV. STONECIPHER: And have you had any previous
7 involvement with Luis Gongora prior to this incident?
8 OFC. MELLONNE: Not that I can recall.
9 INV. STONECIPHER: Okay. Did you have a partner that day
10 at the incident?
11 OFC. MELLONNE: I had a recruit training officer, or
12 recruit trainee.
13 INV. STONECIPHER: Okay. And who was that?
14 OFC. MELLONNE: Pio Bernales, he not with me at the time
15 of the incident, he was at the station.
16 INV. STONECIPHER: And what equipment did you have on
17 you that day?
18 OFC. MELLONNE: I was wearing a uniform and all the
19 police belt stuff. The firearm, the magazines, pepper spray, two
20 sets of handcuffs, radio, keys, and flashlight, and I had the
21 extended range impact weapon in the car, and either a rifle or
22 shotgun, I'm not sure.
23 INV. STONECIPHER: Okay. And can you again, just break
24 down the non-lethal options you had on you that day?
25 OFC. MELLONNE: Pepper spray, I have an expandable
26 baton, and the extended range impact weapon.
27 INV. STONECIPHER: Okay. And how many bullets did you
28 have when you started your shift?

1 OFC. MELLONNE: Thirty-seven, I think.

2 INV. STONECIPHER: And Officer Mellonne, do you wear
3 glasses or prescription contact lenses?

4 OFC. MELLONNE: No.

5 INV. STONECIPHER: Okay. And how many hours of sleep did
6 you get the previous night?

7 OFC. MELLONNE: I don't recall.

8 INV. STONECIPHER: Okay. Officer Mellonne, could you
9 please describe in detail, your encounter with Luis Gongora on
10 April 7th, 2016?

11 OFC. MELLONNE: I was dispatched to a priority incident
12 of a man wearing a red shirt and blue jeans, acting erratic, and
13 waving a knife. The call came in on 911. It was received from a
14 member of the HOT team and indicated that the person appeared to
15 be altered. When I arrived in the area, I found an individual
16 that matched the description. I saw that the individual had a
17 very large knife and I gave verbal commands for the person to
18 set the knife down. He initially complied and put the knife
19 down, and within a few seconds, he reacquired the knife, and was
20 behaving very erratically. I deployed the ERIW, it had no effect
21 on him. I continued deploying the ERIW at him, received no
22 effect, and the individual charged at Sergeant Steger, who was
23 with me, while holding the knife. I believed that he was going
24 to stab Sergeant Steger, so I transitioned from the ERIW to my
25 pistol, and I fired three to four rounds, until the lethal
26 threat of Sergeant Steger was finished. And I coordinated with
27 having an ambulance come to the scene, and began managing the
28 scene, and I gave a Public Safety statement after the incident.

1 INV. STONECIPHER: Okay. Again, just to clarify, Officer
2 Mellonne, were you one of the first officers to arrive on-scene?
3 OFC. MELLONNE: Myself and Sergeant Steger arrived at
4 the same time.
5 INV. STONECIPHER: Okay. And who was the highest-ranking
6 officer on-scene at the time?
7 OFC. MELLONNE: Sergeant Steger.
8 INV. STONECIPHER: Who was providing lethal cover at the
9 incident?
10 OFC. MELLONNE: Sergeant Steger.
11 INV. STONECIPHER: Okay. And when you first arrived,
12 where was Mister Gongora when you arrived on-scene?
13 OFC. MELLONNE: He was seated against, I believe, a PG&E
14 building.
15 INV. STONECIPHER: And could you describe how he was
16 sitting?
17 OFC. MELLONNE: He was sitting on the sidewalk, and his
18 right side of his body was exposed to me, and he was holding the
19 knife.
20 INV. STONECIPHER: Okay. When you say holding the knife,
21 he was holding it by the handle with the point up. Is that
22 correct?
23 OFC. MELLONNE: He was doing different things with it. I
24 want to emphasize it's been a year and some months, and the best
25 recollection of this incident is in my statements that I gave to
26 Homicide and to Internal Affairs. The Homicide interview, I
27 believe, was done the following day, and the Internal Affairs
28 was done within a week-and-a-half. So, it's been a year and some

1 months. My recollection is fairly good, but I just wanted to
2 advise you that the best record of my recollection is going to
3 be in those interviews, which hopefully, you have access to.

4 He was doing different things with the knife. He was
5 behaving erratically. He was holding it generally, up and out,
6 from what I recall.

7 INV. STONECIPHER: Okay. And Officer Mellonne, can you
8 describe the environment where this incident happened?

9 OFC. MELLONNE: Yes.

10 INV. STONECIPHER: Like the traffic, people around you.
11 Could you just kind of paint a picture?

12 OFC. MELLONNE: Shotwell Street is and still is, there's
13 pedestrian traffic generally. There's cars that are double-
14 parked; there's usually never any parking. There's a municipal
15 parking lot nearby and there is a medium-size homeless
16 encampment that's usually there, that was there at the time of
17 the incident, and there were people walking by and cars driving
18 by. And then, there was an encampment mid-block, between 19th
19 and 18th, I think of about two, three, maybe three tents.

20 INV. STONECIPHER: Okay. And Officer Mellonne, at what
21 point did you draw your ERIW?

22 OFC. MELLONNE: I took the ERIW with me, as soon as I
23 pulled up to the scene, because I knew it was a call of a person
24 with a knife.

25 INV. STONECIPHER: Okay. And can you describe how you
26 were holding it?

27 OFC. MELLONNE: It kind of depends on when you mean.
28 Like when I initially come out of the car with it, I think I

1 just was holding it, and then, when I saw the individual, it was
2 very clear to me that he had a knife. So, I'm right-handed, so I
3 was holding it, pointing it. I racked it and started giving him
4 commands to drop the knife.

5 INV. STONECIPHER: Okay. And did you discuss any tactics
6 or plans with other officers prior to contacting Mister Gongora?

7 OFC. MELLONNE: There's a lot of nonverbal stuff that
8 kind of goes on, because we go to these calls of...especially in
9 the Mission, several times a week. So, a lot of the tactics
10 that...it's an automatic thing for us, as far as how we're trained
11 at the police range and Advanced Officer school. I was very
12 confident that Sergeant Steger automatically employed the
13 standard tactics that we do when we are encountering an armed
14 subject, when the intention is to use the ERIW. So, and
15 everything that was occurring at that time led me to believe
16 that we were on the same page, as far as our tactics were
17 concerned.

18 INV. STONECIPHER: Now, when Mister Gongora was sitting,
19 how were his legs positioned?

20 OFC. MELLONNE: I don't recall.

21 INV. STONECIPHER: Were verbal commands given to Mister
22 Gongora?

23 OFC. MELLONNE: Many.

24 INV. STONECIPHER: What were they?

25 OFC. MELLONNE: Put it down, put the knife down. Drop
26 the knife. Don't touch that.

27 INV. STONECIPHER: Were verbal commands given in
28 Spanish?

1 OFC. MELLONNE: There was a third officer that was
2 giving verbal commands in Spanish, but he was to my back.

3 INV. STONECIPHER: Now, when you were giving the initial
4 commands, how close were you to Mister Gongora, would you say?

5 OFC. MELLONNE: Approximately 20 to 30 feet.

6 INV. STONECIPHER: Okay. And how close was Sergeant
7 Steger?

8 OFC. MELLONNE: We were standing about the same. He was
9 off to my right and in kind of triangulated position.

10 INV. STONECIPHER: Now, when you were first giving
11 commands, how would you describe Mister Gongora's demeanor at
12 this point?

13 OFC. MELLONNE: So, he looked like he was altered. His
14 facial expressions, his body movements, were suggesting somebody
15 that was altered, and or on drugs, but he did initially comply
16 with my verbal command.

17 INV. STONECIPHER: And again, just to clarify. Did you
18 fire the ERIW before or after giving the verbal commands?

19 OFC. MELLONNE: When I told him to put the knife down
20 initially, he complied with that and he set the knife down. He
21 then reacquired the knife, and at that point I decided to, I
22 made a tactical decision to fire the ERIW at the arm that was
23 holding the knife and attempted to [save all that arm].

24 INV. STONECIPHER: Okay. And how close were you to
25 Mister Gongora when you fired the ERIW?

26 OFC. MELLONNE: I think I was about 20 feet
27 approximately.

28 INV. STONECIPHER: Okay. And were you stationary or were

1 | you moving when you fired the ERIW?

2 | OFC. MELLONNE: I think I was stationary.

3 | INV. STONECIPHER: And do you know how many ERIW rounds

4 | you fired at Mister Gongora?

5 | OFC. MELLONNE: Four.

6 | INV. STONECIPHER: And how did Mister Gongora respond

7 | after getting shot with the ERIW?

8 | OFC. MELLONNE: Aside from flinching, he did not appear,

9 | he didn't look like he suffered any pain from it. It didn't have

10 | the effect I was hoping it would have. It did not disable his

11 | arm that was holding the knife, and he immediately, it was

12 | almost instantaneous with the fourth round. In the process of

13 | firing the fourth round, he was standing up, or trying to get

14 | onto his feet, and then immediately began running at Sergeant

15 | Steger, while holding the knife in a threatening way.

16 | INV. STONECIPHER: Okay. So, did he communicate with you

17 | verbally, after being shot with the ERIW?

18 | OFC. MELLONNE: No.

19 | INV. STONECIPHER: Okay. So, again, just to clarify.

20 | After being shot with the ERIW, what did Mister Gongora do?

21 | OFC. MELLONNE: He flinched. It looked like it didn't

22 | even phase him at all, and then started to gesture and posture

23 | towards his feet, and started to stand up while I was on the

24 | fourth round.

25 | INV. STONECIPHER: Okay. And as he's standing, how's he

26 | holding the knife at this point?

27 | OFC. MELLONNE: So, he always had the knife in his right

28 | hand, and the knife, it was never pointed down. I feel like it

1 | was pointed outward. For sure, when he was charging at Sergeant
2 | Steger, the edged point of the knife was in his direction, and
3 | his arm was extended.

4 | INV. STONECIPHER: Okay. Officer Mellonne, when Mister
5 | Gongora was moving, how would you describe the pace that he was
6 | moving at? Was it a run? How was it?

7 | OFC. MELLONNE: It was a very fast run.

8 | INV. STONECIPHER: Okay.

9 | OFC. MELLONNE: It wasn't a walk, a saunter, it wasn't
10 | slow at all. If you watch the video, we actually end up running
11 | backwards, because he is coming at us pretty fast.

12 | INV. STONECIPHER: Okay. And again, just to clarify,
13 | what did you see and perceive at the time force was used?

14 | OFC. MELLONNE: Which force?

15 | INV. STONECIPHER: When you used your firearm?

16 | OFC. MELLONNE: I believed that he was going to kill
17 | Sergeant Steger by stabbing him.

18 | INV. STONECIPHER: And when you used your handgun, how
19 | close would you say that you were to Mister Gongora when you
20 | fired?

21 | OFC. MELLONNE: He had closed about half the distance
22 | between us. I had to transition between the ERIW to my pistol,
23 | which was holstered. So, I would say that he was able to close
24 | about half the distance, so maybe eight to ten feet. It's hard
25 | for me to say. Everything kind of, the tunnel vision kicks in at
26 | that point, because of the threat.

27 | INV. STONECIPHER: And do you know how many rounds you
28 | fired?

1 OFC. MELLONNE: I think I fired three to four.

2 INV. STONECIPHER: Okay. And did you fire your handgun

3 first or did Sergeant Steger? Do you recall?

4 OFC. MELLONNE: I think that he did, because I had to

5 transition. He was my lethal cover, as per our protocol with the

6 ERIW.

7 INV. STONECIPHER: Yeah.

8 OFC. MELLONNE: So, I think that he had his firearm out

9 already.

10 INV. STONECIPHER: Okay. And Officer Mellonne, how would

11 you describe the sequence of the fire from your handgun? Was it

12 fast? Was it pairs? Was it bursts? How would you describe it?

13 OFC. MELLONNE: Well, I continued firing until the

14 threat had diminished. So, it's hard for me to recall exactly if

15 I fired in pairs or not.

16 INV. STONECIPHER: Okay. And when you fired your

17 handgun, was your view ever impeded at any point?

18 OFC. MELLONNE: No.

19 INV. STONECIPHER: Okay. Did you move while you were

20 firing your handgun?

21 OFC. MELLONNE: Did I what?

22 INV. STONECIPHER: Did you move while you were firing

23 your handgun?

24 OFC. MELLONNE: Did I move?

25 INV. STONECIPHER: Yes.

26 OFC. MELLONNE: I know that I retreated, because he was

27 running at us. I don't recall if I was firing during the retreat

28 or not.

1 INV. STONECIPHER: Okay. And were there any pedestrians
2 nearby when you opened fire?

3 OFC. MELLONNE: I didn't see any within my field of
4 fire, otherwise, I would not have fired.

5 INV. STONECIPHER: And how close was Sergeant Steger to
6 Mister Gongora when you fired with your handgun?

7 OFC. MELLONNE: I don't know.

8 INV. STONECIPHER: Okay. And just to clarify. Where was
9 Sergeant Steger to you, in relation to you, when you fired your
10 handgun?

11 OFC. MELLONNE: He was to my right.

12 INV. STONECIPHER: Okay. Do you know like how many feet
13 away from you he was?

14 OFC. MELLONNE: Not more than ten.

15 INV. STONECIPHER: All right. Now, what I want to do is
16 I want to show a little bit of the Nest cam footage, if that's
17 okay? So, I'm just going to pull this up. This is Robert
18 [Whitworth's] Nest cam footage that we're looking at right now.
19 I'm going to jump ahead here to the actual incident. Let's see
20 here. (Advances video.) Okay. I'm pausing it at the 46 minute,
21 10 second mark. Officer Mellonne, can you point yourself out in
22 this video?

23 OFC. MELLONNE: Yeah. I just exited car 095, and I'm
24 wearing a short sleeve shirt.

25 INV. STONECIPHER: Okay. (Advances video. Voices can be
26 heard.) Okay. Now, at the 46 minute, 35 second mark, we see
27 yourself, along with Sergeant Steger, moving backwards very
28 quickly. Could you just explain what you're responding to?

1 OFC. MELLONNE: Yeah. Mister Gongora was running at us
2 with the knife in hand, so that's what I was responding to.

3 INV. STONECIPHER: Okay. And Officer Mellonne, why did
4 you stop firing?

5 OFC. MELLONNE: Because I didn't perceive that there was
6 still a threat. He was still holding the knife. When he went to
7 the ground, he was still holding the knife in his right hand,
8 but it was obvious to me that he had been wounded, and I stopped
9 firing when the threat had ended.

10 INV. STONECIPHER: Okay. And what did you do after you
11 stopped firing?

12 OFC. MELLONNE: I holstered my firearm and notified
13 Dispatch, called for an ambulance, and started trying to manage
14 the scene.

15 INV. STONECIPHER: Okay. Now, like [purely] after it
16 happened, do you recall experiencing any perceptual distortions
17 like sight, sound, or time, or memory loss, or anything like
18 that?

19 OFC. MELLONNE: Before it happened?

20 INV. STONECIPHER: After. Like shortly after it
21 happened.

22 OFC. MELLONNE: A certain amount of that is just natural
23 human response to the fact that somebody was trying to stab us
24 and had been in a shooting. I feel like it's pretty clear-cut to
25 me what happened. I didn't have any significant memory loss when
26 I gave a statement to the investigators after the incident. I
27 still remember quite a bit of the incident, but inevitably, it's
28 been over a year or so. So, some things may not be as clear as

1 | they were at that time, when I talk to you now.

2 | INV. STONECIPHER: And when Mister Gongora got shot,
3 | what direction did his body fall when he was shot? Did it fall
4 | forwards? Did it fall backwards?

5 | OFC. MELLONNE: I don't recall. I'm sorry.

6 | INV. STONECIPHER: And what direction was Mister
7 | Gongora's head pointing when he was on the ground? Was it down
8 | the sidewalk? Was it towards the curb?

9 | OFC. MELLONNE: After he had been shot?

10 | INV. STONECIPHER: Yeah, after he had been shot, after
11 | he had been on the ground.

12 | OFC. MELLONNE: I don't recall. The one thing, the only
13 | thing I can tell you that I remember, after he had gone to the
14 | ground, is that he was still holding the knife.

15 | INV. STONECIPHER: Okay. And how close was Mister
16 | Gongora's body to the curb?

17 | OFC. MELLONNE: It was on the curb.

18 | INV. STONECIPHER: Okay. And did you touch Mister
19 | Gongora's body when it was on the ground?

20 | OFC. MELLONNE: I don't believe so, no.

21 | INV. STONECIPHER: Okay. And did you move Mister
22 | Gongora's body at any point after?

23 | OFC. MELLONNE: No.

24 | INV. STONECIPHER: And after he was shot and after he
25 | was on the ground, where was the knife at this point?

26 | OFC. MELLONNE: It was in his hand.

27 | INV. STONECIPHER: Was he still clenching it?

28 | OFC. MELLONNE: He was still clenching it. It was my

1 | intention to take...we didn't have cameras at that time. It was my
2 | intention to take a photograph of it, but the sergeant had asked
3 | another officer to remove it from his hand.

4 | INV. STONECIPHER: Okay. And so, after the knife was
5 | removed, what happened to the knife?

6 | OFC. MELLONNE: I'm not sure, I was kind of whisked
7 | away.

8 | INV. STONECIPHER: Okay. That's my next question. How
9 | did you leave the scene?

10 | OFC. MELLONNE: I was brought to Mission Station by, I
11 | think, Officer Medina, Chandra Medina, I believe.

12 | INV. STONECIPHER: Other than Officer Medina, was there
13 | anyone that went with you, when you went to Mission Station?

14 | OFC. MELLONNE: Yeah. I had...well, I was visited by the
15 | Chief, former Chief Suhr, POA vice-president Tony Montoya, and
16 | my CIRT, I had a CIRT representative with me, Sean Frost, he's
17 | now Lieutenant Sean Frost, was there.

18 | INV. STONECIPHER: Okay. And what happened with your
19 | weapon that you used, your handgun?

20 | OFC. MELLONNE: Somebody from the range came and took it
21 | and gave me a new one.

22 | INV. STONECIPHER: Okay. And who did you talk to after
23 | the shooting, in your [admission]?

24 | OFC. MELLONNE: I talked to those people. I didn't
25 | discuss the substance of the shooting. I just was more or less
26 | talking to people to let them know I was okay. I talked to my
27 | family.

28 | INV. STONECIPHER: Okay. And what time did you go home

1 | that day?

2 | OFC. MELLONNE: I don't remember.

3 | INV. STONECIPHER: [Unintelligible.]

4 | SR. INV. VILLARREAL: Yeah. So, when you got there, you
5 | mentioned earlier that everything happened sort of happened, and
6 | you were confident that Sergeant Steger was your cover officer.

7 | OFC. MELLONNE: Uh-huh.

8 | SR. INV. VILLARREAL: Did you have a chance at all, to talk
9 | with him beforehand?

10 | OFC. MELLONNE: I think we were still trying to locate
11 | this person to see where he was at. There's a lot of pre-
12 | planning that goes on, on the radio. For example, the way that
13 | we were responding to the scene and trying to look for him. When
14 | we were initially sent the call, we were sent to a different
15 | location. So, we were more or less canvassing the area to see if
16 | the person was there or not. It almost looked like he was not in
17 | the area anymore. Then Sergeant Steger notified me via radio
18 | that a member of the HOT team said he was closer to, I think,
19 | 18th Street. So, when I got out of the car, I saw a HOT team
20 | member that was flagging me down and pointing at somebody.

21 | So, when I initially...you know, we go to these calls all the
22 | time. So, when I was looking for the individual, I think I was
23 | more or less trying to determine if he had a knife or not, or if
24 | was still in possession of the knife, and when I clear those
25 | cars and get to the sidewalk, it was very clear to me that he
26 | had a knife at that point, and he was behaving very erratically
27 | with it. So, there wasn't a whole lot of time to do much more
28 | planning, other than to start giving him verbal commands to put

1 the knife down, which he initially complied with, and it looked
2 like it was going to be a fairly textbook detention, until he
3 reacquired the knife and it went from there. So, there was some
4 pre-planning that was done via radio. Just our standard, the way
5 that we respond to these calls, and then Sergeant Steger was
6 doing everything that I could perceive, that he was following
7 the way that our training is at the range for handling these
8 armed subject incidents. Does that answer your question?

9 SR. INV. VILLARREAL: Yeah.

10 OFC. MELLONNE: Okay.

11 SR. INV. VILLARREAL: You said you saw a member of the HOT
12 team?

13 OFC. MELLONNE: Uh-huh.

14 SR. INV. VILLARREAL: How did you know they were a part of
15 the HOT team?

16 OFC. MELLONNE: I think they drive a distinctive car
17 with like a label on the side. They've got like this sign that I
18 think I recall, but if I remember, I think he was pretty tall,
19 and he was waving at me, and he was pointing.

20 SR. INV. VILLARREAL: And he was ahead of this situation?

21 OFC. MELLONNE: Yeah. Our cars are facing-what
22 direction? Southbound, so he was at 19th at Shotwell; his car
23 was double-parked.

24 SR. INV. VILLARREAL: Okay. You said you gave a Public
25 Safety statement. Do you remember to whom?

26 OFC. MELLONNE: Yeah. Sergeant Jeff Aloise.

27 SR. INV. VILLARREAL: Okay. So, you showed up. You walked
28 to the sidewalk, and you saw Mister Gongora, and you said that

1 | it was clear at that point that he had the knife in his hand?

2 | OFC. MELLONNE: Yes.

3 | SR. INV. VILLARREAL: And you said you racked your ERIW.

4 | OFC. MELLONNE: Yes.

5 | SR. INV. VILLARREAL: What was that a reaction to?

6 | OFC. MELLONNE: Well, I generally, it was a tactical

7 | thing. It was a de-escalation technique, and a way to...so he can

8 | hear the racking of the ERIW. I found, literally, responding to

9 | these calls several times a week, that when people hear that,

10 | they generally react to it, in a way that helps us detain them

11 | safely.

12 | SR. INV. VILLARREAL: And you said though, that Mister

13 | Gongora was acting erratically. Can you say more about that? Was

14 | it just the way he was holding the knife? Was his facial

15 | expressions, the way he was moving, can you say more about what

16 | you mean by erratically?

17 | OFC. MELLONNE: He was all of that. He looked like he

18 | was clearly altered. His face was flushed. He was saying

19 | gibberish, and I have no doubt in my mind that he was altered

20 | and probably on drugs, the way he was behaving.

21 | SR. INV. VILLARREAL: Was he addressing anybody when he

22 | was speaking?

23 | OFC. MELLONNE: No.

24 | SR. INV. VILLARREAL: Okay.

25 | OFC. MELLONNE: It looked like he was just saying

26 | gibberish and it was strange, because he reacted to my initial

27 | command, and he put the knife down. I thought it was going to be

28 | a fairly textbook detention, and then he just reacquired the

1 knife real quick, and started acting in that way.

2 SR. INV. VILLARREAL: At a certain point, you said that he
3 was a threat to Sergeant Steger and possibly to yourself. Did
4 you think he was a threat to anybody else in the area at any
5 point during the encounter?

6 OFC. MELLONNE: If you look to the left of the last
7 police car, and almost to the left of my police car, there's a
8 tent there, and then there are tents behind us. The block is
9 usually occupied with homeless people, and there's a pedestrian
10 on the other side of the sidewalk. So, I think there's a health
11 clinic there or something to that effect. There's always,
12 generally, people in this area.

13 INV. STONECIPHER: And for the record, Officer Mellonne
14 is pointing to [REDACTED] Nest cam footage, which is
15 paused right now at the 46 minute, 38 second mark.

16 SR. INV. VILLARREAL: So, but to just specifically answer
17 the question, you thought that Mister Gongora might be a threat
18 to other bystanders?

19 OFC. MELLONNE: Yeah. I mean the original call that we
20 had received said he was waving and acting erratically with the
21 knife, that's why I treated it as an emergency call.

22 SR. INV. VILLARREAL: Okay.

23 OFC. MELLONNE: And generally speaking, the HOT team
24 members don't call the police too much, because they want to
25 have an established trust with homeless people. They try to
26 handle these incidents...they're trained in de-escalation
27 themselves, and they generally don't like to call us unless they
28 absolutely have to. So, they felt compelled enough to call 911

1 and report the erratic behavior. So, yeah. I thought that he was
2 a threat, not only to us but to the other people that were
3 present, that he had potentially threatened a HOT team member,
4 prior to my arrival.

5 SR. INV. VILLARREAL: And then, once you are there and you
6 have your ERIW with you, it seems like you and Sergeant Steger,
7 both start to close the distance between yourself, initially, at
8 least, and Mister Gongora. Can you describe what you were trying
9 to accomplish at that point?

10 OFC. MELLONNE: Yeah. It looked like, maybe I'm not...I'm
11 trying to explain it the best way. It looked like a fairly
12 textbook detention. He reacted positively to it. I was going to
13 prone him out, as you're probably familiar with from your
14 training in our tactics. I was going to prone him out on the
15 ground and handcuff him, and he started to go that way, with his
16 reaction to my initial command, but then he automatically
17 reacquired the knife. So, when we were starting to walk up, it
18 looked like, "Okay. He's complying. He's complying," and then he
19 stopped.

20 SR. INV. VILLARREAL: So, your intention was to detain him,
21 get the knife, secure the knife. That kind of thing?

22 OFC. MELLONNE: Yes.

23 SR. INV. VILLARREAL: Okay. And then, you grabbed the
24 knife, and that was then...well, I don't want to presume anything.
25 At a certain point, you started to say you walked towards him,
26 or shortened the distance between you. Then you said something
27 like, "Put it down. Drop it." What was that a reaction to?

28 OFC. MELLONNE: Hopefully, you can sense that the

1 commands are fairly standard and then they escalate, because
2 that's the point. When I say, put it down, drop it, put it down,
3 there's a pause, because he's doing that, and then he picks it
4 back up again, and you can hear our commands become increasingly
5 urgent. That's the point where he's reacquiring the knife and
6 starts posturing, like he's going to go to his feet. He was
7 acting erratically with the knife, so that's where those
8 commands start to become more rapid and more urgent.

9 SR. INV. VILLARREAL: And then you started to fire your
10 ERIW. What were you trying to accomplish with firing the ERIW?

11 OFC. MELLONNE: Well, I was trying to use a less-lethal
12 means to detain him. He's brandishing this deadly weapon in my
13 presence, we're trying to detain him. I know we had a right to
14 detain him at that point, and he's brandishing that deadly
15 weapon in our presence. So, aside from the criminal aspect of
16 the weapon brandishing, I wanted to detain him safely. So, I
17 used an intermediate force option, which was the bean bag,
18 because the other force options weren't appropriate to me.

19 SR. INV. VILLARREAL: Okay. So, shooting him with the bean
20 bags would have accomplished specifically what? I mean, what
21 reaction were you expecting him to have?

22 OFC. MELLONNE: I wanted to cause, temporarily disable
23 the arm that he was holding the knife with. My point of aim in
24 this instance with the bean bag, was this right side of his
25 body, the right arm specifically, and I was trying to get him to
26 drop the knife essentially. I wanted the bean bag to have its
27 desired effect, where he would drop the knife, and we would be
28 able to detain him.

1 SR. INV. VILLARREAL: Okay. And do you remember where
2 specifically, parts of his body you were aiming at?

3 OFC. MELLONNE: Yeah. I was aiming at the right side of
4 his body. I remember thinking to myself at the time like, "I
5 want to disable his arm," because that's where he's holding the
6 knife, so that's where I was...

7 SR. INV. VILLARREAL: And do you recall generally, that's
8 where the bean bags hit?

9 OFC. MELLONNE: I think so. It's hard to say at this
10 point.

11 SR. INV. VILLARREAL: So, one of the issues that comes up
12 is it appears to unfold very quickly. I mean I think the whole
13 incident, from when you arrived, to firing handguns is what,
14 just a few seconds? It's not very long. Do you think that
15 something could have been done differently, in terms of time and
16 distance issues in this situation, that might have resulted in a
17 different...maybe you wouldn't have to fire a handgun?

18 OFC. MELLONNE: It looked like it was going to be...my
19 first attempt to de-escalate the situation was to give him
20 verbal commands. He was initially compliant. His behavior, his
21 erratic behavior suggested that he was very altered, and I would
22 not have resorted to those means if I felt like I didn't have
23 to. I have a lot of experience. I've been a police officer in
24 some violent cities in the Bay Area. I've gone to incidents like
25 this more times than I can count, and they all generally go
26 fairly well. I've had to resort to force in the past, in these
27 types of incidents, but the decision to use lethal force is
28 something that was an absolute last resort for me, and it always

1 is, and I would not have resorted to it unless I felt like I had
2 to, to defend Sergeant Steger. We had tried to de-escalate. We
3 had tried to use the reasonable options that were to us at the
4 time. I had concerns, not only for our safety, the safety of
5 people there, but I was also concerned for his safety. Is he
6 trying to hurt himself? Is he trying to cut himself? It was the
7 biggest knife that you would have in your kitchen. So, I feel
8 like I did everything within reason, at the time, with the tools
9 that I had, and the officers that were present.

10 SR. INV. VILLARREAL: Did you have any indication that he
11 understood your commands or anybody else's commands?

12 OFC. MELLONNE: Yes.

13 SR. INV. VILLARREAL: What were the indications?

14 OFC. MELLONNE: He initially complied with us.

15 SR. INV. VILLARREAL: Did you think, at any point, that
16 maybe he was, what do we call it? Didn't, wasn't, English wasn't
17 his first language?

18 OFC. MELLONNE: It's hard for me to say that. I don't
19 know. At the time, I did not know, but like I said, when I first
20 told him to put it down, he did put it down.

21 SR. INV. VILLARREAL: Okay. And so, then after the
22 shooting, you said a little bit about what happened. Did you
23 communicate, at the time, with Sergeant Steger and the other
24 officer that was there? I forget his name, do you remember?
25 There was a third officer that was behind you initially. Did you
26 communicate with them after the shooting?

27 OFC. MELLONNE: I don't recall anything of substance. We
28 all kind of got separated from each other, you know, sequestered

1 off. You know, standard.

2 SR. INV. VILLARREAL: Okay. That's all I have.

3 INV. STONECIPHER: Okay. Just one quick thing I want to
4 clarify. So, when you were talking about when Mister Gongora put
5 down the knife initially, when that happened, did you and
6 Sergeant Steger move closer to him at that point, when you saw
7 that?

8 OFC. MELLONNE: I think that's where you see us taking a
9 few steps forward, after that initial command because he was
10 complying with us. I think I took a couple of steps forward at
11 that point, and then, when he reacquires the knife and starts
12 running at us, you can see us quickly walking backwards.

13 INV. STONECIPHER: Okay. Don, did you have anything you
14 wanted to [know]?

15 POA REP. NOBLES: Just real quick. You mentioned that he
16 was somewhat erratic. Can you talk about your training and
17 experience with drug recognition?

18 OFC. MELLONNE: Yeah. Well, I've encountered a number of
19 people over the last 14 years that were under the influence of
20 drugs and alcohol. I'm a drug recognition expert. I've been to
21 an 80-hour course on recognizing individuals that are under the
22 influence of controlled substances. I've been to numerous
23 California Narcotic Officer Association courses in recognizing
24 the signs and symptoms of people that are under the influence of
25 drugs and alcohol. I test people in the field frequently,
26 usually related to DUIs, but also for being under the influence
27 of drugs. A lot of those tests result in people coming back with
28 drugs in their system, as related to DUIs and things like that.

1 POA REP. NOBLES: And then, in this instance, as an
2 expert, you determined, you made a determination that he was
3 possibly under the influence of something?

4 OFC. MELLONNE: Yeah. I was almost certain. I can't
5 really think of any doubt I had in my mind that he was on
6 something and altered by it.

7 POA REP. NOBLES: Okay. And what does that do to your
8 mindset, when someone is under that kind of state of mind?

9 OFC. MELLONNE: It really depends. The way that he was
10 behaving, it didn't look like communication was going to work
11 too well. At first, it looked like it would, but then, it didn't
12 look like it was going to be too successful. When people are
13 under the influence of drugs, they have a tendency to be violent
14 towards police.

15 POA REP. NOBLES: Okay. That's all I have.

16 INV. STONECIPHER: All right.

17 SR. INV. VILLARREAL: Had you shot the ERIW before, in
18 terms of actually out in the field, at somebody?

19 OFC. MELLONNE: No.

20 SR. INV. VILLARREAL: And what was your training on ERIW
21 use prior to the incident?

22 OFC. MELLONNE: I think we do it, at least once a year,
23 at the range, where we shoot at a target and review policy, and
24 things like that.

25 SR. INV. VILLARREAL: Okay. Had you been at an incident
26 where another officer deployed it and used it prior?

27 OFC. MELLONNE: Yes. I was at a suicidal person
28 incident, where a guy was threatening to kill himself with a

1 | firearm, and there was a very lengthy standoff. I believe the
2 | Tactical Team fired a 40mm at him.

3 | SR. INV. VILLARREAL: Was it successful?

4 | OFC. MELLONNE: No.

5 | SR. INV. VILLARREAL: Okay. And then you sort of mentioned
6 | prior use of force. Have you used deadly force before?

7 | OFC. MELLONNE: Yes.

8 | SR. INV. VILLARREAL: Could you say something about that?
9 | How many times?

10 | OFC. MELLONNE: Once.

11 | SR. INV. VILLARREAL: Were you with SFPD?

12 | OFC. MELLONNE: No.

13 | SR. INV. VILLARREAL: Where were you? Who were you working
14 | for?

15 | OFC. MELLONNE: I was a detective at the Antioch Police
16 | Department. We were tracking a homicide suspect. He was wanted
17 | for armed home invasion robbery, and he led my partner and I, we
18 | had found him in the City of Fremont, and attempted to detain
19 | him. He rammed a police officer and fled from us at a high rate
20 | of speed. When he was fleeing, he crashed into a tree, and
21 | repeatedly motioned to retrieve a firearm that had fallen
22 | underneath the seat of the car. And after giving him probably
23 | 40-plus commands to put his hands up, myself and my partner at
24 | that time, had fired, because he was reaching for a handgun.

25 | SR. INV. VILLARREAL: Okay. And the handgun was found?

26 | OFC. MELLONNE: The handgun was found. And he was, he's
27 | still alive. He's in prison now for that.

28 | SR. INV. VILLARREAL: Antioch? So, when about was that?

1 OFC. MELLONNE: 2006, I think.

2 SR. INV. VILLARREAL: Okay. I don't have any additional
3 questions.

4 INV. STONECIPHER: Officer Mellonne, is there any other
5 statement relevant to the incident, you wish to make at this
6 time?

7 OFC. MELLONNE: Can I ask you this? I mean, I just want
8 to include this.

9 INV. STONECIPHER: Yeah, go ahead.

10 OFC. MELLONE: The day before, we had another incident
11 that's sort of similar to this incident here.

12 INV. STONECIPHER: Yeah.

13 OFC. MELLONNE: As I said, I think I had gone to a knife
14 call that somebody reported somebody having a knife, and we went
15 through all these steps that you see here, but the person was
16 actually complying with us, and we were able to safely detain
17 him. The Mission still suffers from a large homeless population.
18 I can't think of a time that I've ever encountered an individual
19 in the encampments that didn't have at least one. The most I've
20 ever seen is sometimes five knives in their possession; they've
21 actually, literally, had five knives with them. So, it's very
22 common for us to encounter people with knives; I've come to
23 expect it. Unfortunately, in this instance, I felt the behavior
24 was a threat to Sergeant Steger's life.

25 So, the reason I say that is because in encountering people
26 with knives, I have not had to resort to using an ERIW or these
27 other force options very often. In this instance, we were left
28 with no choice, because he's running at us with a knife. I had

1 | tried to deploy verbal commands. I had tried to use a less-
2 | lethal force option, and it had completely failed. I had no
3 | other reasonable alternative.

4 | And also, within this week, I don't know if you gentlemen
5 | recall, but a CHP officer had been severely stabbed on a freeway
6 | offramp by an individual with a knife. That had happened the
7 | previous week, I believe. There was a CHP officer that was
8 | encountering an individual with a knife, and the officer was
9 | severely stabbed, and suffered, I believe, very debilitating
10 | injuries from that incident, and that was very fresh in my mind.

11 | INV. STONECIPHER: Okay. Is there any other statement
12 | relevant to this incident you wish to make at this time?

13 | OFC. MELLONNE: No.

14 | INV. STONECIPHER: Are there any witnesses or other
15 | evidence relevant to this case that you intend to submit on your
16 | behalf?

17 | OFC. MELLONNE: No.

18 | INV. STONECIPHER: Okay. This is your last opportunity
19 | to submit material to DPA, IAD, and the Chief of Police, before
20 | an initial decision about whether or not to sustain any of the
21 | allegations in this case, and what discipline to impose, if any.
22 | Is there anything else you'd like the Chief to consider in that
23 | regard?

24 | OFC. MELLONNE: No.

25 | INV. STONECIPHER: This interview is concluded. The
26 | official time is 11:41 a.m.

27 | **END OF DOCUMENT**
28 |